

02-R-1130

Entered - 02-27-02 - sb
CL - 02L0172 ALEXIS HOLMES

CLAIM OF: **WYNDHAM ATLANTA HOTEL**
Through It's Attorney
Daniel McGinnis
2700 International Tower, Peachtree Center
229 Peachtree Street, NE
Atlanta, Georgia 30303-1601

For damages alleged to have been sustained as a result of a water leak
onto its property at 160 Spring Street.

THIS ADVERSE REPORT IS APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
INTERIM CITY ATTORNEY

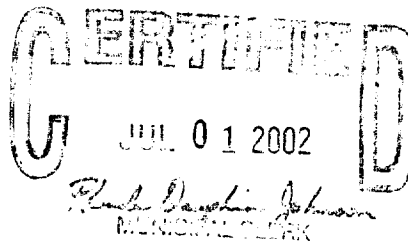
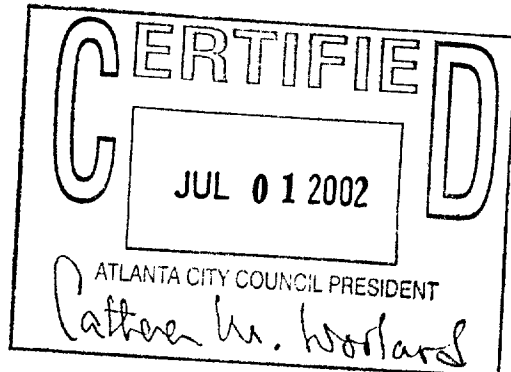
ADVERSE REPORT

COMM: P.S.T. L.A.

DATE: JUN 25 2002

CHAIR:

Clara Thompson
Natasha Anderson
C. T. Martin
Paul Shub
Carla Smith



ADVERSE BY
CITY COUNCIL JUL 01



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
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SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

July 15, 2002

Daniel McGinnis
Attorney at Law
229 Peachtree Street, NE
2700 International Tower
Peachtree Center
Atlanta, Georgia 30303-1601

02-R-1130

RE: Wyndham Atlanta Hotel

Dear Attorney McGinnis:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on July 1, 2002. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0172

Date: 06/13/02

Claimant /Victim WYNDHAM ATLANTA HOTEL
BY: (Atty) Daniel McGinnis
Address: 2700 International Tower, Peachtree Tower, 229 Peachtree Street, NE Atlanta, Georgia 30303-1601
Subrogation: Claim for Property damage \$ Unspecified Bodily Injury \$
Date of Notice: 02/14/02 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence Continuing Place: 160 Spring Street
Department Division:
Employee involved Disciplinary Action

NATURE OF CLAIM: The claimant alleges that it sustained damages to its property when water leaked onto its property from a broken water line. However, it was determined in an investigation that the water was leaking from the Westin Hotel air conditioning units, and not from a City primary water line. Therefore, the Westin Hotel is responsible for the damages to the claimant's property and not the City. Furthermore, the claimant has been advised to pursue its claim with the Westin Hotel.

INVESTIGATION:

Statements: City employee Claimant X Other Written X Oral
Pictures Diagrams Reports: Police Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

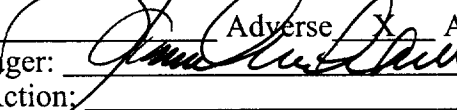
BASIS OF RECOMMENDATION:

Function: Governmental Ministerial
Improper Notice More than Six Months Other Damages reasonable
City not involved X Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager:  Concur/date 06-13-02
Committee Action: Council Action

		07/01/02 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSE ON CONSENT AGENDA
1. 02-O-0718	34. 02-R-1074	39. 02-R-1076
2. 02-O-1021	35. 02-R-1075	40. 02-R-1077
3. 02-O-1022	36. 02-R-1124	41. 02-R-1078
4. 02-O-1119	37. 02-R-1125	42. 02-R-1079
5. 02-O-1142	38. 02-R-1126	43. 02-R-1080
6. 02-O-0602		44. 02-R-1081
7. 02-O-1013		45. 02-R-1082
8. 02-O-1148		46. 02-R-1083
9. 02-O-0864		47. 02-R-1084
10. 02-O-1017		48. 02-R-1085
11. 02-O-1020		49. 02-R-1086
12. 02-R-1143		50. 02-R-1087
13. 02-R-1104		51. 02-R-1088
14. 02-R-1120		52. 02-R-1089
15. 02-R-1121		53. 02-R-1090
16. 02-R-1122		54. 02-R-1091
17. 02-R-0470		55. 02-R-1092
18. 02-R-0810		56. 02-R-1093
19. 02-R-1182		57. 02-R-1094
20. 02-R-1118		58. 02-R-1095
21. 02-R-1146		59. 02-R-1096
22. 02-R-1177		60. 02-R-1097
23. 02-R-1179		61. 02-R-1098
24. 02-R-1101		62. 02-R-1099
25. 02-R-1102		63. 02-R-1127
26. 02-R-1103		64. 02-R-1128
27. 02-R-1145		65. 02-R-1129
28. 02-R-1134		66. 02-R-1130
29. 02-R-1135		67. 02-R-1131
30. 02-R-1136		68. 02-R-1132
31. 02-R-1176		69. 02-R-1133
32. 02-R-1072		
33. 02-R-1073		